

Larry H. Krantz
Marjorie E. Berman

Hugh D. Sandler
Counsel

Nicolas J. Rovner

Of Counsel
Lisa A. Cahill
Wendy Gerstmann Powell

Writer's E-mail

lkrantz@krantzberman.com

October 22, 2019

Request to be Filed Under Seal

By E-mail

The Honorable Joan M. Azrack
United States District Judge
Eastern District of New York
944 Federal Plaza
Central Islip, NY 11722

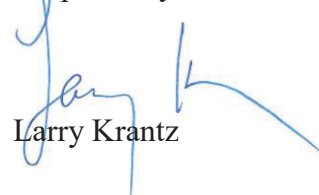
Re: United States v. Christopher McPartland, et al., 17-cr-0587 (JMA)

Dear Judge Azrack:

We write in brief response to the government's October 22, 2019 letter, regarding our request that they identify whom they contend were co-conspirators in this case. The government's overheated opposition to our request completely misapprehends the narrow nature of our application.

We have not renewed our motion for a bill of particulars setting forth the details of the offense conduct; such an application would be unwarranted. Rather, we have renewed only that portion of our motion asking for a list of whom the government considers to be co-conspirators. This is a wholly separate request that is governed by the factors set forth in *Nachamie*, and squarely supported by well over a dozen additional court decisions (ECF No. 59, at 11-13 & nn.2-3) – all of which are conspicuously omitted from the government's letter. Those factors are plainly satisfied here, and the simple truth is that regardless of how "experienced" defense counsel may be, we have no way of knowing from the information provided — other than as to the individuals we have identified — whom the government considers to be a co-conspirator. Since this affects both evidentiary issues as well as cross-examination, and in the absence of any prejudice to the government, the motion should be granted.

Respectfully submitted,



Larry Krantz

